

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TODD D. FROST

Plaintiff,

v.

Case No. 07C0912

DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

ORDER

On October 22, 2007, I ordered prisoner plaintiff Todd Frost to pay an initial partial filing fee of \$1.88 in order to proceed with his case. See 28 U.S.C. § 1915(b). I also, however, told plaintiff that if he believed he might incur a “strike” under 28 U.S.C. § 1915(g) when the merits of his claims were assessed at a later stage of the litigation and he wanted to avoid that possibility, he could notify the clerk of court in writing within 21 days, stating that he not did wish to continue litigating the case. I indicated that if I received such notification, I would dismiss the case without prejudice, without finding any “strike” under § 1915(g), and without the payment of the \$350.00 filing fee prisoners are required to pay under 28 U.S.C. § 1915.

I have received a written notice from plaintiff that he wants to avoid the possibility of a strike and wishes to stop prosecuting this lawsuit. In other words, he is voluntarily dismissing the case under the alternative given him in my October 22, 2007 order.

As a result,

IT IS ORDERED that this case is **DISMISSED WITHOUT PREJUDICE** and without the incurring of a strike or any filing fee.

Dated at Milwaukee, Wisconsin this 13 day of November, 2007.

/s

LYNN ADELMAN
District Judge